File No.BCW01-GEN0APCB(MISC)/4/2021-D

GO RT No.123/2021/BCW01-Backward Classes Welfare

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – BC Welfare Department – Departmental proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 read with Rule 9 of A.P. Revised Pension Rules, 1980 against Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District - Article of Charges – Orders – Issued.

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BACKWARD CLASSES WELFARE (D) DEPARTMENT

G.O.Rt.No. 140 **Dated:** 03.12.2021 ~~11.2021~~**.**

Read the following:-

G.O.Ms.No. 19 , BC Welfare (D) Dept., dated. 03.12.2021.

-:0:-

ORDER:

In pursuance of the sanction accorded by the Government in the reference read above, under Sub-Clause (i) of clause (b) of Sub-Rule (2) of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 for initiating departmental proceedings against Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District, it is considered necessary to hold an inquiry against the said Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District, is directed to submit his written statement of defence within ten (10) days of the receipt of this order.

4. Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District, is informed that an inquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District, is informed that Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 stipulates that under no circumstances Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that the said Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G Anantha Ramu I A S
Special Chief Secretary To Govt

03/12/21
DESPATCHED

To
Sri D.Naga Bhushana Kumar, ABCWO(Retired), Gudivada, Krishna District
"through" the Director of BC Welfare, A.P., Vijayawada.

Copy to:
The Director of BC Welfare, A.P., Vijayawada. (with a request to furnish the served copy of this order to the Government immediately)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

[G.O.Rt.No. 1490 , BCW(D) Dept., Dt: 03.12.2021 ~~.11~~.2021]

STATEMENT OF ARTICLE OF CHARGE AGAINST SRI D.NAGA BHUSHANA KUMAR, ABCWO(RETIRED), GUDIVADA, KRISHNA DISTRICT:-

While working as Assistant B.C. Welfare Officer, Gudivada, Krishna District, Sri D.Naga Bhushana Kumar has committed the following grave misconduct in as much as:

CHARGE:

That Sri D.Naga Bhushana Kumar, Asst. BC Welfare Officer, Eluru being the supervisory officer, failed to conduct the inspection of the Govt. BC College Girls Hostel, Gudlavalleru, Krishna District properly and being a Supervisory Officer failed to take all possible steps to ensure the proper maintenance of the hostel by Smt.Vemula Veera Siva Lakshmi, HWO, Govt. BC College Girls Hostel,

Gudlavalleru, Krishna District.

Thus Sri D.Naga Bhushana Kumar, Asst. BC Welfare Officer, Eluru, West Godavari District by his above mentioned acts, has exhibited lack of integrity, devotion to duty, slackness and conduct unbecoming of a Government servant and thereby contravened Rule 3(1)(2) & (5) of APCS (Conduct) Rules, 1964 read with Rule 9 of AP Revised Pension Rules, 1980.

G Anantha Ramu I A S
Special Chief Secretary To Govt

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-II

[G.O.Rt.No. 1400, BCW(D) Dept., Dt: 03.12.2021 ~~.11.2021~~]

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI D.NAGA BHUSHANA KUMAR, ABCWO(RETIRED), GUDIVADA, KRISHNA DISTRICT:-

On credible information that the HWO and other staff members of Backward classes Welfare Hostel for College Girls, Gudlavalleru, Gudivada Krishna District were misappropriating the government funds for the hostel, a surprise check was conducted on the hostel on 30.07.2018 from 06.00 am to 05.00 pm in the presence of mediators.

During the surprise check it was found that the HWO committed many irregularities in the maintenance of hostel. On perusal of the superior officers visitors register it is found that the last visit of the Govt. Servant as superior officer of HWO was on 12.03.2018 and thereafter he has not visited the hostel till the date of surprise check. Further though the Govt. Servant inspected the hostel he did not make any remarks in the registers and failed to give any instructions to the HWO for proper maintenance of hostel. Due to which the following irregularities were continued by the HWO which were noticed during the surprise check.

During surprise check the Inspector, ACB got assembled the boarders (college Girls) present in the hostel with the help of his staff. On verification it is found the 72 boarders were physically present on the day. On perusal of the boarders attendance register it was found that the HWO mentioned the names of 88 boarders in the register. When the whereabouts of remaining 16 boarders were verified, out of 16 boarders the following 6 boarders are found in the hostel.

1) Kum. Reddy Prameela Rani D/o Murali Krishna, 16 Years, C/Uppara, 1st year EEE, AANM & VVRSR Polytechnic College, Gudlavalleru N/o Mustabada Village, Gannavaram Mandal Krishna District.

2) Kum. Kukkala Sirisha D/o Naga Venkata Subrahmaneswara Rao, 17 Years, C/Yadava, IInd year CME, AANM & VVRSR Polytechnic College, Gudlavalleru, N/o Nelakorru Gollapalem, Machilipatnam Krishna District.

3) Kum. Thummapudi Kavya D/o Nageswara Rao, 16 Years, C/Madiga 1st year CME, AANM & VVRSR Polytechnic College, Gudlavalleru N/o Boyapalem, Yadlapadu Mandal, Guntur District.

4) Kum, Sirigiri Bhavya D/o Satyanarayana, 16 Years, C/medara, 1st year CME, AANM & VVRSR Polytechnic College. Gudlavalleru N/o Srihari Puram, Mudinepalli Mandal. Krishna District.

5) Kum. Jaldi Akshaya D/o Souri Babu, 16 Years 1st year EEE, AANM & VVRSR Polytechnic College, Gudlavalleru, N/o Thummapudi Village. Duggirala Mandal, Guntur District.

6) Kum. Jaddu Naga Vasavi Dio J.Venkateswara Rao, 17 years, IInd Years Computer, AANM & VVRSR Polytechnic College, Gudlavalleru N/o N.Gollapalem, Machilipatnam Mandal, Krishna District.

When the Inspector asked the above boarders about their absent on 29.07.2018 they stated that they were present in the hostel from 29th morning onwards. Thus it is found that the HWO incorrectly marked the attendance of the boarders in the boarder's attendance register of the hostel. The Inspector seized the attested copies of Boarders attendance register of Govt. BC College Girls Hostel, Gudlavalleru.

Provisions Stock and issue Register 2018-19.

The Inspector with the help of his staff and mediators physically verified the stock present in the hostel. Following is the abstract of stock register balance and physical balance up to 30.07.2018.

S.No	Opening balance of provisions		Ration drawn for available boarders approximately	Closing Balance in Kgs.	On Physical verification (30.07.2018) in Kgs	Remarks
1	Rice in Kgs	1179.00 (28-07-18)	19 kgs for 86 Boarders	1160.00	1141.00	Stock Register was not updated on 29.07.2018
2	Red gram Dal in Kgs	42.50 (28-07-18)	Kg1.500 for 86 students	41.00	39.50	Stock Register was not updated on 29.07.2018
3	Oil (Pam oil) in Kgs	29.50 (28-07-18)	1.50 Kg Daily	28.00	26.50	Stock Register was not updated on 29.07.2018
4	Tamarind in Kgs	39.00 (27-07-18)	1.50	37.50	36.00	Stock Register was not updated on 28

						to 29.07.2018
5	Red Chilli Powder	6.90 Grms (27-07-18)	400 Grams	6.50 Kg	6.100 kg	Stock Register was not updated on 28 to 29.07.2018
6	Salt in Kgs	30.00 Kgs (27-07-18)	1.0	29.00	28.00	Stock Register was not updated on 28 to 29.07.2018
7	Upma Ravva in Kgs	58.50 Kgs (26-07-18)	8.50 Kgs	50.00	50.00	Stock Register was not updated on 27 to 29.07.2018
8	Sugar in Kgs	18.50 (26-07-18)	1.00	17.50	14.50	Stock Register was not updated on 27 to 29.07.2018
9	Populu	400Grms (24-07-18)	400 grms	---	---	Stock Register was not updated on 25 to 29.07.2018
10	Black gram dall in Kgs	19.00 (06-07-18)	3.0 kgs on Wednesday & 3.0 kgs on Saturday	19.00	1.00	Stock Register was not updated on 07 to 29.07.2018
11	Idly Ravva in Kgs	16.50 (25-07-18)	9.00	7.50	---	Stock Register was not updated on 26 to 29.07.2018
12	Ragi Malt in Kgs	19.60 (25-07-18)	1.600	18.00	18.00	Stock Register was not updated on 26 to 29.07.2018
13	Milk in Ltrs	9.0 Ltrs (26-07-18)	9.0	Nil	5.0	As per provision stock register HWO purchasing 9 liters /day
14	Eggs in No's	85 (26-07-18)	85	---	Nil	Stock Register was not updated on 27 to 29.07.2018
15	Fruits in No's	86 (25-07-18)	86	---	Nil	Stock Register was not updated on 26 to 29.07.2018
16	Sweets in No's (Verusa naga Pappu	86 (25-07-18)	86	---	Nil	Stock Register was not updated on 26 to 29.07.2018

17	Jaggery in Kgs	1.00 (24-07-18)	1.00	---	Nil	Stock Register was not updated on 25 to 29.07.2018

When the physical stock of provisions was verified with the entries made in the stock and issue register, some variations found in the stock.

Since the shortage of the said commodities was found during the surprise check, the value of the each commodity has been obtained from Deputy Director, BC welfare Department, Machilipatnam, Krishna District and the details of the same are as follows:

S. No	**Commodities Name**	**Shortage of commodities in physical balance when compared with the stock register as on 30-07-2018 (date of surprise check)**	**Value of the commodities per Kg. as on 30-07-2018 in Rs.**	**Amount embezzled by HWO**
1	Rice in Kgs	19	1.00	Rs.19-00 (1Kg x 19/-)
2	Red gram Dal in Kgs	1.5	64.50	Rs.96.75 (1.5 Kg x 64.50/-)
3	Oil (Pam oil) in Kgs	1.5	74.00	Rs.111-00 (1.5 Kg x 74/-)
4	Tamarind in Kgs	1.5	187.00	Rs.280/- (1.5Kg x 187/-)
5	Red Chilli Powder	400 grms	164.00	Rs.65/- (400 Grms x 164/-)
6	Salt in Kgs	1.0	14.90	Rs.14.90/- (1Kg x 14.90/-)
7	Upma Ravva in Kgs	---	---	---
8	Sugar in Kgs	3.0	40.00	Rs.120-00 (3Kg x40/-)
9	Populu	---	---	---
10	Black gram dall in Kgs	18.0	67.00	Rs.1,206/- (18 Kg x67/-)
11	Idly Ravva in	7.50	30.00	Rs.225-00

	Kgs			(7.5 Kg x 30/-)
12	Ragi Malt in Kgs	---	---	---
	Total			**Rs.2,137.00**

Perusal of the stock register revealed that the HWO was noting down as if she was purchasing and serving 9 liters of milk per day to the boarders. The milk vendor Sri Atyam Lokesh and Smt. Penumudi Veeranjamma (Kamati) stated that the HWO had purchased only 275 litres of milk from 6-6-2018 to 30-7-2018 (5 litres x 55 days = 275 litres only). Thus she had falsely shown in the register that the amount of milk purchased by her for the boarders of the hostel was 100.5 litres more than what she had actually purchased.

The value of the excess milk of 100.5 litres shown by the HWO is Rs. 3,693.37/-(i.e., 100.5 Ltrs x 36.75/-).

Thus the HWO embezzled an amount of Rs.5,831.00 (Rs. 2,137.65 + Rs. 3,693.37) of govt. funds allocated for purchasing food items/provisions for the boarders of the hostel. The Inspector seized the attested copies of Provisions Stock and issue Register 2018-19 of Govt. BC College Girls Hostel, Gudlavalleru.

During Surprise check, the Inspector, ACB examined the following boarders and recorded their statements:-

1) Kum. Shaik Dhanusha D/o Shaik Srinu Bhasaha, 17 Years. Dudekula (BC-B) 1st Year Diploma, EEE, AANM & VVRSR Polytechnical College, Gudlavalleru N/o Vanapamula Village, Pedaparupudi Mandal, Krishna District.

2) Kum. Moka Lavanya D/o Srinivasa Rao, 16 Years. 1st Year Diploma ECE, AANM & VVRSR Polytechnical College, Gudlavalleru N/o Matlam Village, Kruthinennu Mandal, Krishna District

3) Kum. Madu Naga Sirisha D/o Chinna Tirupathi Rao. 17 1st Year Diploma., CME. AANM & VVRSR Pplytechnical College, Gudlavalleru N/o Vellaturu Village. G.Konduru Mandal. Krishna District.

4) Kum. Thommandru Swaroopa Rani D/o Dasu, 16 Years, SC Madiga, Ist Year, Diploma,ECE, AANM & VVRSR Polytechnical College, Gudlavalleru N/o Kondapalli, EBPM Mandal, Krishna District.

5) Kum. Cherukuri Bindu D/o CH.Seetharama Krishna Raju, 16 Years, SC Mala 1st Diploma, ECE, AANM & VVRSR Polytechnical College, Gudlavalleru N/o Velpucherla, Musunuru Mandal, Krishna District.

6) Kum. Reddy Prameela Rani D/o Murali Krishna, 16 Years, C/Uppara, 1st year FEE, AANM & VVRSR Polytechnic College, Gudlavalleru N/o Mustabada Village, Gannavaram Mandal Krishna District.

7) Kum. Kukkala Sirisha D/o Naga Venkata Subrahmaneswara Rao, 17 Years, C/Yadava, IInd year CME, AANM & VVRSR Polytechnic College,

Gudlavalleru, N/o Nelakorru Gollapalem, Machilipatnam Krishna District.

8) Kum. Thummapudi Kavya D/o Nageswara Rao, 16 Years, C/Madiga 1st year CME, AANM & VVRSR Polytechnic College, Gudlavalleru N/o Boyapalem, Yadlapadu Mandal, Guntur District.

9) Kum. Sirigiri Bhavya D/o Satyanarayana, 16 Years, C/medara, 1st year CME, AANM & VVRSR Polytechnic College, Gudlavalleru N/o Srihari Puram, Mudinepalli Mandal, Krishna District.

10) Kum. Jaldi Akshaya D/o Souri Babu, 16 Years 1st year EEE, AANM & VVRSR Polytechnic College, Gudlavalleru, N/o Thummapudi Village, Duggirala Mandal, Guntur District.

11) Kum. Jaddu Naga Vasavi D/o J.Venkateswara Rao, 17 years, IInd Years Computer, AANM & VVRSR Polytechnic College, Gudlavalleru N/o N.Gollapalem, Machilipatnam Mandal, Krishna District.

On examination, they categorically stated that less quantity of milk was being served to them. The HWO was serving inferior quality of rice. Since they were attending to the kitchen and other works instead of the cook and other staff doing so, they were unable to concentrate on their studies. The cook Smt. Venkateswaramma was not preparing Tiffin and lunch and she was only preparing dinner. Smt. Mudugonda Sesha Ratnam, night watch woman was preparing and serving tiffin and lunch to them. Besides, no mess committee was formed for the academic years 2018 and 2019.

They also stated that the HWO has been insisting to cut vegetables, prepare chapatis, clean the hostel premises and transport the garbage to outside.

Further when the Inspector, ACB asked the HWO about the register of the hostel, she could not produce the following registers as they were not being maintained by the HWO.

a) Item-wise distribution Register to boarders,
b) Staff movement Register,
c) Permanent Article Register,
d) Boarders Movement register,
e) Medical checkup register,
f) Admission Register,
g) Minutes Book of Hostel Advisory Committee,
h) Students Grievance Register,
i) Permanent Advance Register and
j) Library Books Register.

As per the Job Chart of ASWOs communicated vide Circular in RC No. M1/14469/96, dated 23-04-1997 by the Commissioner of Social Welfare Department, A.P.. the Assistant Social/BC Welfare Officers should thoroughly inspect all the hostels and other institutions including Ashram Schools, Government Orphanages located in their jurisdiction at least once in a month without fail as per the instructions given from time to time.

Thus the Govt. Servant was not diligent in supervising the maintenance of

the hostel by HWO and thereby facilitated the HWO in committing above irregularities.

Thus, Sri D.Naga Bhushana Kumar, Asst. BC Welfare Officer(Rtd.), Gudivada Krishna District by his above mentioned acts has exhibited lack of integrity, devotion to duty, slackness and conduct unbecoming of a member of service and thereby contravened Rule 3(1)(2) & (5) of APCS (Conduct) Rules, 1964 read with Rule 9 of AP Revised Pension Rules, 1980.

Hence, the charge.

G
Anantha Ramu I A S
Special Chief Secretary To Govt

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-III

[G.O.Rt.No. 140, BCW(D) Dept., Dt: 03.12.2021 ~~.11.2021~~]

LIST OF DOCUMETNS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI D.NAGA BHUSHANA KUMAR, ABCWO(RETIRED), GUDIVADA, KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED :-

1) Detailed surprise check report dt.20.02.2020 of the DG, ACB, A.P.,

2) Attested copies of Superior Officer's Visitor's Register

3) Job Chart of ASWOs communicated vide Circular in RC No. M1/14469/96, dated 23-04-1997 by the Commissioner of Social Welfare Department, A.P.

4) Copy of Mediators Report.

5) If any documents found to be relevant will be furnished during the enquiry.

G Anantha Ramu I A S
Special Chief Secretary To Govt

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST SRI D.NAGA BHUSHANA KUMAR, ABCWO(RETIRED), GUDIVADA, KRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED :-

1) Sri Rapeti Venkata Rama Siva S/o Appa Rao, 53 Years, Proh. & Excise Inspector(SHO), Kanchikacherla, Krishna District Rio Flat No.105, KRK Residency, Tadigadapa, Penamaluru Mandal, Krishna District.

2) Sri Rachakula Khasim, S/o Late R.Papa Rao, 54 Years, Sr. Asst. O/o Dy. Executive Engineer, R&B, Vijayawada R/o 400-5/A, Valandapalem, Machilipatnam, Krishna District.

3) Sri K.VenKateswarlu, the then Inspector of Police, A.C.B, Vijayawada Range, Vijayawada.

4) Sri A.V.Siva Kumar, Inspector-II, ACB, Vijayawada Range, Vijayawada.

5) If any witness found to be relevant will be produced during the enquiry.

G Anantha Ramu I A S
Special Chief Secretary To Govt

//FORWARDED :: BY ORDER//

SECTION OFFICER